

- ↳ replacing reference numeral



Request for Reconsideration:

Applicants are amending claim 1 merely to clarify the claimed invention. Applicants also are amending the specification and drawings to address the Office Action's objections and correct minor informalities. No new matter is added by the foregoing amendments, which are not narrowing amendments and should not be construed as a surrender of subject-matter by Applicants. Moreover, the foregoing amendments are fully supported by the Applicants' original disclosure. Accordingly, claims 1-6 currently are pending in the present application. Applicants respectfully request that the Examiner enter the foregoing amendments and reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

Remarks:

1. Objection and Rejections.

The Office Action objects to the specification and drawings. Moreover, claims 1-6 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by U.S. Patent No. 5,848,882 to Hashimoto et al. (“Hashimoto”) in view of Patent No. US 6,767,193 B2 to Hirose et al. (“Hirose”). Applicants respectfully traverse.

2. Objection to the Specification.

The specification is objected to because reference numerals 24 and 25 allegedly have been both used to designate a guide rod. Applicants are amending the specification to designate the guide rod with reference numeral 25. In addition, Applicants are amending the specification to correct a minor informality with regard to a reference numeral. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the specification.

3. Objection to the Drawings.

The drawings are objected to under 37 C.F.R. § 1.84(d) because reference numerals 26 and 36 allegedly are both used to designate the valve retainer. **Fig. 4** is amended to designate the valve retainer with reference numeral 36. Further, **Fig. 1** is amended to correct minor informalities in the drawings. The reference numeral designating the guide rod is changed from 24 to 25, the reference numeral designating the clamping portion is changed from 25 to 26, and an extra reference numeral 3 is deleted. Thus, Applicants respectfully request that the Examiner withdraw the objection to the drawings.

4. Obviousness Rejections.

In order to establish a prima facie case for obviousness, the Office Action must fulfill three (3) criteria. First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as proposed by the Office Action. Second, there must be a reasonable expectation of success. Third, the prior art references must disclose or suggest all the claim limitations. MPEP 2143. Applicants respectfully submit that that the Office Action fails to establish a prima facie case of obviousness for at least the following reasons.

a. Claim 1

Claim 1 stands rejected as allegedly being rendered obvious by Hashimoto in view of Hirose. The Office Action asserts that it would have been obvious to modify Hashimoto's valve retainer 180 to fit the curvature of Hirose's reed valve element 35. Applicants respectfully traverse.

In order to clarify the orientation of the claimed second direction, Applicants are amending claim 1 by deleting the phrase "parallel to the valve plate" as it pertains to the plurality of parts comprising the valve retainer's curved surface. This amendment does not narrow the scope of claim 1 and is not intended to be a surrender of subject matter by Applicants.

The changes in the radius curvature of a curved portion 53b of the valve retainer 36 occur along the second direction, i.e., along the width of the valve retainer. See, e.g., Published Patent Application No. US 2004/0109778 A1 to Shimizu et al. ("Shimizu"), Para. [0034]. **Fig. 5** shows a first direction A1 along which a movable portion of valve retainer extends from the fixed portion, wherein curved portion 53b overlaps movable portion 33b. Shimizu, Page 2, Para. [0031]. **Fig. 5** further shows a second direction A2 along which curved surface 53b has a plurality of parts of differing radii of curvature VIa, VIb, VIc, VId, VIe. As shown in **Fig. 6**, each of these parts of curved portion 53b having differing radii of

curvature r_a , r_b , r_c , r_d , r_e , results in a clearance between valve plate 33 and valve retainer 36 that varies along the second direction.

In contrast, Hirose discloses a stopper recess 39 including a flat bottom 39a that is parallel with a major surface of intake valve plate 34. Hirose, Column 5, Lines 60-62. Flat bottom 39a “serves as a stopper for regulating a lifting of the corresponding reed valve element 35.” Hirose, Column 5, Lines 60-62; **Fig. 12**. The provision of recesses 39 suppresses “excessive lifting” of valve elements 35 and “generation of undesired noise is prevented or at least minimized.” Hirose, Column 5, Lines 62-65. Thus, Hirose specifically discloses a valve retainer having a flat surface, i.e., a constant radius of curvature, wherein the clearance between the stopper 39 and the valve plate 34 remains substantially constant. Accordingly, the art of record neither discloses nor suggests a “curved surface having a plurality of parts different in radius of curvature from one another in a second direction parallel to the valve plate and perpendicular to the first direction.”

Therefore, the Office Action fails to establish a prima facie case of obviousness because the art of record fails to disclose or suggest all the limitations of claim 1. Thus, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claim 1.

b. Claims 2-6

Claims 2-6 ultimately depend from independent claim 1, and, thus, incorporate each and every limitation of claim 1. MPEP 2143.03 states that “[i]f an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejections of claims 2-6.

Conclusion:

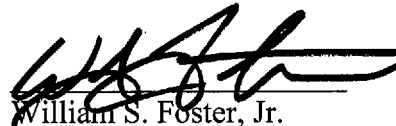
Applicants maintain that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicants' representative, Applicants would welcome the opportunity to do so.

Applicants believe that no fees are due as a result of this responsive amendment. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's **Deposit Account No. 02-0375**.

Respectfully submitted,
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